

Docket No.: 1573.1009

Serial No. 09/981,982

REMARKS

In accordance with the foregoing, claims 3, 9, 16 and 20 have been amended.

STATUS OF CLAIMS

Claims 3, 4, 5, 9, 10, 11, 16, 17, 20 and 21 are pending and under consideration.

ITEM 5: REJECTION OF claims 3-5, 9-11, 16-17 and 20-21 FOR OBVIOUSNESS UNDER 35 U.S.C. §103(a) OVER SIVULA (U.S. PATENT 6,795,711) IN VIEW OF HICKS, III (US PUBLICATION 2004-0261112A1)

The rejection is respectfully traversed.

In amended claims 3 and 9, the present invention calls for an information processing apparatus (30), a receiving device (60), a separate device (10) and a content data providing information processing apparatus (50) which is different from the information processing apparatus (30).

In the present invention, the first information processing apparatus (30) receives the content transmission request from the separate device (10) over the mobile communication network (90), and, in response to the receipt of the content identification and the received address of the receiving device (60) from the separate device (10), transmits over the broadband network (96) the received content identification and the received address of the receiving device (60) to the content data providing information processing apparatus (50) in claim 3, or the content capturing request including the content identification to the receiving device (60) in claim 9. Neither the separate device (10) nor the first information processing apparatus (30) provides any content data. The content data is to be provided by the content data providing information processing apparatus (50) over the broadband network (96) to the receiving device (60). The content data providing information processing apparatus (50) is provided independently of the first information processing apparatus (30), and the receiving device (60) alone receives the content data over the broadband network (96), and is not a mobile device.

According to the invention, in response to receipt of a content identification and a received address of a receiving device (60) from a separate device (10), the first information processing apparatus (30) can cause a content data providing information processing apparatus (50) to transfer a large volume of content data, which the separate device (10) cannot store, to

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the receiving device (60) over the broadband network (96). In response to receipt of another content identification and the received address of the receiving device (60) from the separate device (10), the first information processing apparatus (30) may cause a different, content data providing information processing apparatus (50) to transfer a large volume of content data to the receiving device (60) over the broadband network (96). The first information processing apparatus (30) can accommodate different pieces of content data stored in different data providing information processing apparatuses to be transferred.

Sivula (U.S. Patent 6,795,711) discloses that an originating mobile station 10 sends a special content message on a signal line 12 to a special application service center 14, and the special application service center processes the special content message and posts it to the internet (col. 5, line 66 – col. 6, line 5). If the terminating mobile station 16 is not capable of the terminating mobile station 16 is not capable of processing the special content message, the user can read the short message and also go to the personal computer or workstation connected to the internet and view the special content message at the URL specified in the short message provided on the line 18 using the user ID and/or password provided with the short message (col. 7, lines 20-25). The MSC (mobile switching center) 26 may be connected to the internet 30 by means of a gateway 32, and the user of the terminating mobile station 16 can access a nearby PC when his mobile station 16 is not capable of fully processing the special content message from the originating mobile station 10 (col. 7, lines 47-52). Means 36 (FIG. 3) of the center 14 is provided for receiving the special content message or a request that a special content message be sent on the line 12 from the originating mobile station 10 of FIG. 1. This signal would be provided to the special application service center 14 through a mobile communication system infrastructure as shown in FIG. 2 (col. 7, lines 60-67). It is possible that the terminating mobile station 16 has merely sent a request that a special content message be sent. It is possible that the special content application service center will have a large number of special content messages stored within that may be combined with a textual message from the originating mobile station 10 provided on the line 12 and sent on the line 18 to the terminating mobile station (col. 8, lines 28-44).

Sivula requires a terminating mobile station 16 and a PC or workstation 34 as well as an originating mobile station 10 and a special application service center 14, and a portion of the special content message is received by the terminating mobile station 16 over the mobile communication system from the special application service center 14, and the other portion of the special content message may be received by the PC 34 over the internet from the special

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application service center 14.

However, Sivula fails to disclose or suggest that, in response to receipt of URL and the received address of the PC 34 from the originating mobile station 10, the special application service center 14 transmits, over the internet 30, the received content identification and the received address of the PC 30 to a content data providing information processing apparatus which provides the content data and which is different from the special application service center 14.

Sivula fails to disclose or suggest that, in response to the receipt of the content identification and the received address of the PC 34 from the originating mobile station 10, the special application service center 14 transmits a content capturing request including URL to the PC 34 over the internet 30.

In Sivula, the special application service center 14 sends URL to the terminating mobile station 16. The user himself must operate PC 34 to enter URL and to receive the message from the special content application service center 14.

In the present invention, the content data is not transferred to a terminating mobile device over the mobile communication network (90). The first information processing apparatus (30) does not provide content data to a terminating mobile station over the mobile communication network (90) or to the receiving device over the broadband network (96), but a different, content data providing information processing apparatus (50) provides content data to the receiving device (60) over the broadband network (96).

Hicks discloses that an entertainment system can provide access to multimedia content over a broadband data network coupled to a variety of information appliances, and a primary broadband data network is implemented over twisted pair wiring in conjunction with Ethernet switch technology operating at a minimum of 100 Mbps.

In view of the above, it is respectfully submitted that claims 3 and 9 should be allowable. Similarly, it is respectfully submitted claims 16 and 20 should be allowable. Other claims 4-5, 10-11, 17 and 21 depend from claims 3, 9, 16 and 20 and should be also allowable.

PRIMA FACIE OBVIOUSNESS OF THE COMBINATIONS RELIED UPON HAS NOT BEEN DEMONSTRATED

It is submitted that the Action instead relies on the clearly deficient bear contention that "it would have been obvious to one of ordinary skill in the art..." to combine the separate teachings of the references relied upon in the combination in support of the rejection. For example, in Item

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5, Sivula is conceded not to specifically disclose a high-speed connection through the Internet (broadband). Hicks then is asserted to disclose such connection. On that basis, the Examiner asserts "it would have been obvious to one of ordinary skill in the art at the time of the invention to combine these teachings for the simple purpose of an enhanced user experience."

Clearly, there is no demonstration of how to combine the respective teachings, much less that one would be lead to combine those teachings, since there is no disclosed basis to change the operating speed of one reference in light of that of another reference.

The remaining rejections as to claims 4 and 10 at page 3, claims 5 and 11 at page 4, and pages 16-17 and 20-22 inherit the deficiencies and defectiveness of the rejections of the claims from which they depend and, accordingly, it is submitted to be clear that there is no identification of motivation to effect the combinations relied upon in the rejections and the same accordingly are defective and should be withdrawn.

It is submitted that the Action fails to satisfy the requirement of a prima facie demonstration of obviousness of the combination and, instead, relies on the discredited bare contention that the combination "would have been obvious to one of ordinary skill in the art..." See MPEP 706.02(j) which emphasis that the Examiner should set forth in the Office Action:

(A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate,

(B) the difference or differences in the claim over the applied reference(s),

(C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and

(D) an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria.

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CONCLUSION

It is submitted that the foregoing has demonstrated that the pending distinguish patentably over the art and rejections of record.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

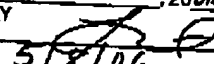
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